

## Bureau of Land Management, Interior

§ 4310.1

Alaska for reindeer grazing should be granted. The information will be used to make this determination. The obligation to respond is required to obtain a benefit.

[48 FR 40890, Sept. 12, 1983]

### PART 4300—GRAZING ADMINISTRATION; ALASKA; REINDEER

#### Subpart 4300—Grazing Administration; Alaska; Reindeer; General

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4330.1 Protests.

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4340.1 Trespass.

AUTHORITY: Taylor Grazing Act of 1934, as amended (43 U.S.C. 315, 315(a)–315(r)), section 4 of the Act of August 28, 1937 (43 U.S.C. 1181(d)), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

SOURCE: 43 FR 29065, July 5, 1978, unless otherwise noted.

### Subpart 4300—Grazing Administration; Alaska; Reindeer; General

#### § 4300.0-3 Authority.

Section 12 of the Act of September 1, 1937 (50 Stat. 902), authorizes the Secretary of the Interior to promulgate such rules and regulations as, in his judgment, are necessary to carry into effect the provisions of this Act.

#### § 4300.0-5 Definitions.

(a) *Reindeer* includes reindeer and such caribou as have been introduced into animal husbandry or have actually joined reindeer herds and the increase thereof.

(b) *Natives* include the native Indians; Eskimos, and Aleuts of whole or part blood inhabiting Alaska at the time of the Treaty of Cession of Alaska to the United States and their descendants of whole or part blood, together with the Indians and Eskimos who, since the year 1867 and prior to September 1, 1937, have migrated into Alaska from the Dominion of Canada, and their descendants of whole or part blood.

(c) *Bureau* means Bureau of Land Management.

(d) *Director* means Director, Bureau of Land Management.

(e) *Authorized Officer* means the Bureau official who has been authorized to issue a reindeer grazing permit.

(f) *The Act* means the Act of September 1, 1937 (50 Stat. 902).

#### Subpart 4310—Conditions

##### § 4310.1 Lands subject to grazing permit.

Vacant and unreserved and unappropriated public lands are subject to inclusion in a reindeer grazing permit. Where these lands are within the natural migration routes of caribou, or when they have other important wildlife values, the lands may be included in a permit, at the discretion of the authorized officer after consultation with the Alaska Department of Fish and Game, subject to such special terms and conditions as may be jointly agreed upon. Public lands which have been withdrawn for any purpose may also be included in a grazing permit

with the prior consent of the Department or agency having administrative jurisdiction thereof, and subject to such additional terms and conditions as such Department or agency may impose.

**§ 4310.2 Qualifications of applicants.**

An applicant is qualified if he is a native or group, association or corporation of natives as defined by the act of September 1, 1937, organized under the laws of the United States or the State of Alaska, or if the applicant is a native corporation under the provisions of the Alaska Native Claims Settlement Act.

**§ 4310.3 No rights acquired by applicant prior to issuance of grazing permit.**

The filing of an application will not segregate the land applied for from application by other persons for a grazing permit, or from other disposition under the public land laws. As the issuance of a grazing permit is discretionary, the filing of an application will not create a right for such a permit, or to the use of the lands applied for pending the issuance of a grazing permit.

**§ 4310.4 Rights reserved; public land laws applicable.**

(a) Grazing permits under this part shall be subordinated to higher uses and subject to modification or reduction by the authorized officer to the extent necessary to allow:

(1) The protection, development and utilization, under applicable laws and regulations, of the mineral, timber, water, and other resources on or in the lands included in the grazing permit, including their use for agriculture.

(2) The allowance of applications for and the acquisition of homesites, easements, permits, leases, or other rights and uses pursuant to applicable public land laws.

(3) The temporary closing of portions of the permitted area to grazing whenever, because of improper handling of the reindeer, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition.

(b) No permittee may so enclose roads, trails, or highways as to disturb

public travel thereon, nor interfere with existing communication lines or other improvements on the permitted area; he shall not prevent legal hunting, fishing or trapping on the land, or ingress of miners, mineral prospectors, and other persons entitled to enter the area for lawful purposes.

(c) Persons using public lands for grazing of reindeer or for driving of reindeer across such lands must comply with applicable State and Federal laws relative to livestock quarantine and sanitation.

**§ 4310.5 Location, settlement, entry, and other disposition of lands included in grazing permit; notice to permittee of disposition and reduction of permitted area.**

(a) Lands included in grazing permits under the act are subject to settlement, location, and acquisition under the non-mineral public land laws applicable to the State of Alaska.

(b) Upon settlement, location, or entry of any lands included within a reindeer grazing permit, the permittee shall be notified of the settlement, location, or entry, and the permitted area shall be reduced by the area involved in the settlement, location, or entry.

(c) Unless otherwise withdrawn therefrom lands included in grazing permits under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Group 3800 of this chapter.

**Subpart 4320—Procedures**

**§ 4320.1 Application for grazing permit.**

(a) *Form used.* An application for a grazing permit must be executed in duplicate on a form approved by the Director and filed in the Bureau office which has jurisdiction over lands applied for.

(b) *Bureau of Indian Affairs certification.* A certification of reindeer allotment to the applicant, signed by the authorized Bureau of Indian Affairs officer, must accompany the application